

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

RONALD COOPER,

Plaintiff,

CASE NO. 07-CV-12481

v.

DISTRICT JUDGE JOHN CORBETT O'MEARA
MAGISTRATE JUDGE CHARLES BINDER

MICHIGAN DEPARTMENT OF
CORRECTIONS, PATRICIA C.,
JOHN LOPEZ, D. BERGH,
L. RAPELJE, F. NORD, D. GERTH,
F. FERNANDO, M. SEBALY,
J. STASEWICK, R. MASTER,
T. LEE, A. JACOBS, R. STIMAC,
J. KENNEDY, T. BRADLEY,
T. HARRIS, G. BLUESTAR,
J. DEFEATRICK,

Defendants.

**MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
FOLLOWING SCREENING OF PRISONER COMPLAINT**

I. RECOMMENDATION

It is **RECOMMENDED** that the District Court order the **TRANSFER** of this case to the United States District Court for the Western District of Michigan pursuant to 28 U.S.C. § 1406(a), because venue lies in that district. 28 U.S.C. § 1391(b).

II. REPORT

By order of U.S. District Judge John Corbett O'Meara, this *pro se* prisoner civil rights case was referred to the undersigned Magistrate Judge for general case management on September 25, 2007. (Dkt. 8.) This is one of three cases filed in this district in the past five months by Raymond Cooper, who is incarcerated at the Alger Maximum Correctional Facility in Munising, Michigan.

(See also cases 07-CV-13620 and 07-CV-13621.) The other two cases were transferred to the Western District of Michigan. Prior to the order of reference in this case, however, Plaintiff's application to proceed without prepayment of fees was granted pursuant to the *in forma pauperis* statute, 28 U.S.C. § 1915(a)(1), and the United States Marshal was ordered to serve the 73-page complaint on all 19 defendants. (Dkts. 5 & 6.) It appears that service was erroneously ordered prior to the case being screened under 28 U.S.C. §§ 1915A(b), 1915e(2)(B), and 42 U.S.C. § 1997e(c)(1), because a review of the complaint shows that venue in this case, as in the other two, does not lie in this district.

Venue in a federal question case lies in the district in which any defendants reside or in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1391(b). In this case, all defendants "reside" either in Lansing, Michigan, which lies in Ingham County, or in Munising, Michigan, which lies in Alger County. Both counties are located in the Western District of Michigan, 28 U.S.C. § 102(b), and the cause of action arose there. Consequently, I suggest that the case be transferred to the Western District where venue is proper.

III. REVIEW

The parties to this action may object to and seek review of this Report and Recommendation within ten (10) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed.2d 435 (1985); *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). The parties are advised that making some objections, but failing to raise others, will not preserve all the objections a party may have to this Report and Recommendation. *Willis v. Sec'y of Health & Human Servs.*,

931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

s/ Charles E. Binder

CHARLES E. BINDER
United States Magistrate Judge

Dated: October 5, 2007

CERTIFICATION

I hereby certify that this Report and Recommendation was electronically filed this date, served on Ronald Cooper by first class mail, and served on District Judge O'Meara in the traditional manner.

Date: October 5, 2007

By s/Jean L. Broucek
Case Manager to Magistrate Judge Binder